CITY COUNCIL, CITY OF LODI CITY HALL COUNCIL CHAMBERS WEDNESDAY, AUGUST 7, 1985

A regular meeting of the City Council of the City of Lodi was held beginning at $7:30~\rm{p.m.}$ on Wednesday, August $7,~1985~\rm{in}$ the City Hall Council Chambers.

ROLL CALL

Present:

Council Members - Olson, Pinkerton Reid,

Snider and Hinchman (Mayor)

Absent:

Council Members - None

Also Present:

City Manager Peterson, Assistant City Manager Glenn, Assistant City Engineer Glenn Robison, Community Development Director Schroeder City Attorney Stein, and City

Clerk Reimche

INVOCATION

The invocation was given by Reverend Richard Lungren, 1st

United Methodist Church.

PLEDGE

The Pledge of Allegiance was led by Mayor Hinchman.

PRESENTATIONS

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Mayor Hinchman presented Resolutions of Appreciation to Lodi Fire Department Fire Administrative Officer Steve Raddigan, Fire Engineer John Lodi, and Firefighter Ken Mackey who were recently called upon to assist in the fire fighting efforts in the San Gabriel fire.

REPORTS OF THE CITY MANAGER

CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pinkerton, Reid second, approved the following actions hereinafter set forth.

ي الماحة CLAIMS

Claims were approved in the amount of \$2,066,012.13.

MINUTES

The Minutes of July 3, 1985 were approved as written.

VARIOUS PROJECTS ACCEPTED

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Council accepted improvements in the following projects, and directed the Public Works Director to file a Notice of Completion thereon:

- Improvements in "Stockton Street Improvements, Kettleman to Vine".
- II. Improvements in "Legion Park Tennis Court Resurfacing".
- III. Improvements in "Lockeford Street Improvements, Mills Avenue to Cross Street"
- Improvements in "Well Drilling, Well #21, 136 Lower Sacramento Road".

LODI PARK WEST, UNITS NO. 4 AND 5

0246

Council was apprised that Park West, a partnership, the developer of Lodi Park West, Units No. 4 and 5 has

furnished the City with the final maps and the improvement plans, as well as the necessary agreements, guarantees and insurance certificates for these proposed subdivisions.

Lodi Park West, Unit No. 4 is located north of Park Oak Way and contains 27 single-family lots. Unit No. 5 is located north of Park West Way and contains 40 single-family lots.

Council approved the final maps for Lodi Park West, Units No. 4 and 5, Tract Nos. 1986-1995, and directed the City Manager and City Clerk to execute the Subdivision Agreements on behalf of the City.

GEWEKE MOTEL DEVELOPMENT AGREEMENT

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Council was apprised that Geweke Properties, the developer of the Geweke Motel Development on Maria Lane, has submitted a parcel map containing three parcels one of which will contain a motel. They have signed a development agreement, paid the necessary fees, supplied the guarantees for off-site improvements, and submitted the insurance certificates.

RES. NO. 85-104

Council adopted Resolution No. 85-104 approving the development agreement for the Geweke Motel Development on Maria Lane, granting access rights on Cherokee Lane, and authorizing the City Manager and City Clerk to execute the agreement on behalf of the City.

RAILROAD GRADE CROSSING PROTECTION AT WASHINGTON STREET (S.P. TRACK NEAR LOCKEFORD & WASHINGTON)

127

An Agreement was presented for Council's approval which covers the installation of railroad grade crossing protection at Washington Street. This project was originally approved and budgeted for in the 1981. - 82 fiscal year. The improvements will be made by Southern Pacific Railroad Company and include the installation of automatic gates and flashing light signals.

Federal funds cover 90% of the project. The City is responsible for 10% which is estimated to be \$13,600. TDA funds in the amount of \$7,000 had previously been budgeted for this project. \$7,000 of additional TDA funds will be needed to cover the updated installation and engineering costs. This special allocation does not include funds to cover the future extension of sidewalk or curb and gutter.

RES.NO.85-96

Council adopted Resolution No. 85-96 approving Program Supplement No. 22 to the Local Agency-State Agreement, approved a Special Allocation in the amount of \$7,000, and authorized the City Manager and the City Clerk to execute the Agreement on behalf of the City.

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UNDERGROUND UTILITIES CROSSING AGREEMENT -CALIFORNIA STREET

RES.NO.85-97

225120 CC 300 An agreement with the Southern Pacific Transportation Company for the construction and maintenance of a sanitary sewer under the railroad crossing at California Street was presented for Council's approval. Council was informed that the City is replacing the existing line in California Street from Lockeford Street to 200' north of Daisy in conjunction with the reconstruction of California Street (Lockeford to Turner).

The agreement includes a one-time charge of \$375 for the life of the crossing, which amount will be charged to the $\, \cdot \, \cdot \,$ Sewer Fund.

Council adopted Resolution No. 85-97 approving an agreement with the Southern Pacific Transportation Company for the construction and maintenance of a sanitary sewer under the railroad crossing at California Street.

SCHOOL CROSSINGS VICINITY CENTURY SCHOOLS

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Council was apprised that Pastor Gordon Elmes of Century Assembly Church has requested school crossings in the vicinity of Century Schools. The crossings would be used by children living north of Century Boulevard and attending Century Schools. Pastor Elmes estimates that in the next school year approximately 100 students will use the crossings daily.

RES.NO.85-98 Council adopted Resolution No. 85-98 establishing school crossings across Century Boulevard on the east side of Scarborough Drive and across Scarborough Drive on the south side of Century Boulevard.

DESTRUCTION OF CERTAIN POLICE DEPARTMENT RECORDS

RES.NO.85-99

Council adopted Resolution No. 85-99 authorizing the destruction of certain records in the Police Department as approved by the City Attorney.

AWARD - BID FOR PARKS AND RECREATION TURF TRUCKSTER

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City Manager Peterson presented the following bids which had been received for a Turf Truckster for the Parks and Recreation Department:

BIDDER

AMOUNT

Duke Equipment and Irrigation of Sacramento

\$5,489.80

H. V. Carter Company of Oakland

\$6,110.90

Golden Bear Equipment Company of North Highlands

\$6,110.90

RES.NO.85-100 On recommendation of the City Manager, Council adopted Resolution No. 85-100 awarding the bid for a Turf Truckster for the Parks and Recreation Department to Duke Equipment and Irrigation in the amount of \$5,489.80.

CONTRACT RENEWAL WITH LEONARD J. RUSSO, INC. FOR WORKER'S COMPENSATION CLAIMS ADMINISTRATION

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Council approved the renewal of the contract with Leonard J. Russo, Inc. for claims administration services for the City's Workers Compensation Program for 1985 - 86 at a fee of \$25,599 for 171 new claims incurred and a fee of \$149.70 for each new fee in excess of 171.

BOND COUNSEL SERVICES -HUTCHINS STREET SQUARE PROJECT

RES.NO.85-101



Council adopted Resolution No. 85-101 - "A Resolution Authorizing the Execution of an Agreement for Legal Services" with the bond counsel firm of Jones, Hall, Hill and White of San Francisco for the purpose of establishing a working relationship on the Hutchins Street Square Project.

BOND UNDERWRITING SERVICES - HUTCHINS STREET SQUARE

RES_NO.85-102



Council adopted Resolution No. 85-102 - "A Resolution Authorizing the Execution of a Letter of Agreement for Bond Underwriting Services" with the firm of Merrill Lynch Capital Markets, for the purpose of establishing a more formal working relationship on the Hutchins Street Square Project.

DISPOSAL OF POLICE DEPARTMENT SURPLUS RADIO EQUIPMENT

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Council approved the disposal of Police Department surplus radio equipment which has been determined to no longer be useable by the City since the renovation of the City's radio systems.

PROTECTIVE SCREENING AT SOFTBALL COMPLEX

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At the regular adjourned City Council meeting of July 24, 1985, Council Member Snider expressed concern about the need for additional protective screening for spectators at the Softball Complex. Staff was directed to pursue the feasibility of installing some type of protective device

which might also serve as a sun screen or shade structure. Parks and Recreation Director Ed DeBenedetti has asked the architectural firm of Morris and Wenell to prepare a preliminary design. The structures will need to be substantial to insure the safety of the spectators, particularly if we are to achieve shade as well. Even the lightest of screens require appropriate design because of weight. Staff will keep the City Council apprised as the project develops.

VARIOUS PLANS AND SPECIFICATIONS APPROVED

02450

Council approved the following plans and specifications and authorized the advertising for bids thereon:

- Lodi Avenue Railroad Crossing Improvements School Street to Main Street
- II. Stadium paving

LEGAL ADVISOR NAMED TO PERSONNEL BOARD OF REVIEW

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Council was apprised that two grievance hearings relating to personnel matters will be heard by the Personnel Board of Review on August 9, 1985. Because the City Attorney is an employee of the City he cannot advise the Board and the City at the same time. Therefore it was recommended that the City Council approve the appointment of C. M. Sullivan as legal advisor to the Personnel Board of Review.

Council appointed C. M. Sullivan, Attorney at Law, to act as legal advisor to the City of Lodi Personnel Board of Review regarding personnel hearings that will be held August 9, 1985.

CHEROKEE LANE CURB, GUITTER AND SIDEWALK WEST SIDE NORTH OF LOCKEFORD STREET

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Council was informed that no bids were received on the "Cherokee Lane Curb, Gutter and Sidewalk West Side North of Lockeford Street" project at a bid opening held August 7, 1985. It is proposed that the project be readvertised with a bid opening of September 11, 1985. This project includes the installation of curb, gutter, sidewalk and turf along the west side of Cherokee Lane fronting the Grape Festival grounds. The County is participating in the construction cost; the City is providing the engineering.

CALIFORNIA STREET RECONSTRUCTION LOCKEFORD STREET TO TURNER ROAD

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Council was informed that the following bids which been received for "California Street Reconstruction, Lockeford Street to Turner Road":

RES. NO. 85-105BIDDER

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Claude C. Wood Company

\$364,469.20

Teichert Construction

\$382,577.58

This project includes the reconstruction of California Street, replacement of broken curb and gutter, installation of wheelchair ramps and replacement of a sanitary sewer.

Council adopted Resolution No. 85-105 awarding the bid for "California Street Reconstruction, Lockeford to Turner" to C. C. Wood in the amount of \$364,469.20 and appropriated additional funds for the project: \$129,000 from the Gas Tax Fund and \$48,000 from the Sewer Capital Outlay Reserve.

PUBLIC HEARINGS

WEED ABATEMENT 847 CHENEY COURT, LODI

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Notice thereof having been published and posted in accordance with law and affidavits of publication and posting being on file in the office of the City Clerk, Mayor Hinchman called for the public hearing to hear all objections to the proposed removal of weeds, rubbish, refuse and dirt on parcel located at 847 Cheney Court, Lodi.

City Clerk Reimche reported that, in checking the records on this particular parcel, it reflected a new property owner since the prior notices and letters were sent and the notice pertaining to this public hearing was sent to the new owner. The new owner, James Roesler, contacted the City Clerk by telephone several days after receiving the notice of hearing indicating that the previous owner had not informed him of the earlier contacts by the City; therefore he had no knowledge of the matter.

Because of the hazardous conditions involved the City had proceeded with the clearing of the subject lot at a cost of \$110.00. The City has now been reimbursed by Mr. Roesler for the cost of clearing the lot. Therefore, it would be in order for the Council to terminate these proceedings.

There were no persons in the audience wishing to speak on the matter and the subject hearing was closed.

On motion of Council Member Pinkerton, Reid second, Council terminated the Weed Abatement Proceedings on the subject parcel.

PLANNING COMMISSION

ITEMS OF INTEREST

City Manager Peterson gave the following report of the Planning Commission Meeting of July 22, 1985:

2235

The Planning Commission -

- 1. Conditionally approved the request of Glen D. Baumbach, Baumbach and Piazza, Consulting Engineers, on behalf of Dan Anderson, et al, for a Tentative Parcel Map to divide a 5.67 acre parcel located at 1301 E. Pine Street into 2 parts, with Parcel "A" containing 1.87 acres and Parcel "B" 3.80 acres in an area zoned M-2, Heavy Industrial.
- 2. Conditionally approved the request of Joseph D. Michael for a Tentative Parcel Map to combine Lots 67, 68, and 69, Lakeshore Village, Unit No. 1 (i. e. 2030, 2020, 2010 West Kettleman Lane) in an area zoned P-D (21), Planned Development District No. 21.

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- 3. Conditionally approved the request of John Verner on behalf of Johnson Ranch General Partnership for a Tentative Parcel Map to create 2 parcels in the Johnson portion of the Johnson-Tandy Subdivision with Parcel "A" containing 4.0 acres and Parcel "B" containing 24.9 acres, located at 2041 S. Cherokee Lane in an area zoned P-D (19), Planned Development District No. 19.
- 4. Conditionally approved the request of Chris R. Keszler and Fred Baker, on behalf of Edward C. Filley and Dwight W. Filley for a Tentative Parcel Map to create 3 lots, with Parcel "A" containing 2.9 acres; Parcel "B" 1.1 acres, and Parcel "C" 4.4 acres at the southeast corner of Lower Sacramento Road and West Vine Street in an area zoned R-C-P, Residential-Commercial-Professional and U-H, Unclassified Holding.

Certified the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.

- 5. Conditionally approved the request of Rev. Harold Duncan on behalf of Century Assembly, Inc. for a Use Permit to locate a $12' \times 48'$ mobile unit at 550 West Century Boulevard to be used as a counseling office facility in an area zoned P-D (15), Planned Development District No. 15.
- 6. Conditionally approved the request of Feather River Development on behalf of the Luckey Company for a Use Permit to construct a 6,250 square foot professional office building at 1826 West Kettleman Lane (i. e. Parcel 10, Lakeshore Village, Unit #1), in an area zoned P-D (21), Planned Development District No. 21.
- 7. Continued consideration of the request of La Petite Academy on behalf of the Luckey Company for a Use Permit to construct a preschool/child care center for approximately 175 children at 1910 West Kettleman Lane (i.e. southeast corner of South Mills Avenue and West Kettleman lane) in an area zoned P-D (21), Planned Development District No. 21.

The item was continued so that the applicant could provide the Commission with more details on the site plan, fencing, automobile unloading facilities and building elevations.

COMMUNICATIONS (CITY CLERK)

ABC LICENSE APPLICATIONS

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City Clerk Reimche presented an application for ABC License which had been received for Omni Pizza Enterprises, Inc., Pizza Works, 1110 West Kettleman Lane, Lodi, on sale beer and wine eating place, new license.

CLAIMS

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On recommendation of the City Attorney and L. J. Russo Insurance Services, Inc., the City's Contract Administrator, Council, on motion of Council Member Olson, Reid second, denied the following claims and referred it back to L. J.Russo Insurance Services, Inc.:

Southern Pacific Transportation Company (Keri Senft)

Date of Loss - 7/4/84

COUNCIL MEMBER
OLSON RESIGNS
AS LODI'S
REPRESENTATIVE
TO THE SAN
JOAQUIN COUNTY
ECONOMIC
DEVELOPMENT
ASSOCIATION

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Following receipt of the resignation of Council Member Olson from the San Joaquin County Economic Development Association, Council, on motion of Council Member Snider, Reid second, directed the City Clerk to post for this vacancy as prescribed by law.

APPEAL RECEIVED
OF PLANNING
COMMISSIONS
ACTIONS RE
PARCEL LOCATED
AT 233 SOUTH
ORANGE AVENUE,
LODI

12534

Council, on motion of Mayor Pro Tempore Reid, Olson second, set the appeal of Mr. Ron Buck of the Planning Commission's denial to amend the Land Use Element of the General Plan by redesignating 233 South Orange Avenue (i. e. APN 037-060-42) from Residential-Low Density to Office-Institutional; and the rezoning of 233 South Orange Avenue from R-2, single-Family Residential to R-C-P, Residential-Commerical-Professional for a Public Hearing at the Regular Council Meeting of September 4, 1985 at 7:30 pm.

COMMENTS BY
CITY COUNCIL
MEMBERS
HAM LANE RESIDENTS
APPLAUDED FOR THEIR
UNDERSTANDING DURING
RECONSTRUCTION

Council Member Olson applauded the residents of Ham Lane for their understanding and for the inconveniences they are having to put up with during the reconstruction of Ham Lane.

COMMENTS RE 40th ANNIVERSARY OF DROPPING OF A BOMB

Council Member Pinkerton addressed the Council with his thoughts and commentary on the dropping of the "A" Bomb 40 years ago.

BOBS APPLAUDED FOR OUTSTANDING BABE RUIH TOURNAMENT

Mayor Hinchman expressed congratulations to the B.O.B.S. for their outstanding Babe Ruth Tournament.

COMMENTS BY THE PUBLIC ON NON AGENDA ITEMS

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Mary Jane Ballatore, 334 Bella Vista Drive, Lodi, addressed the Council requesting that the following Advisory Measure be placed on the November ballot. Following discussion, with questions being directed to the proponents of the Advisory Measure and to Staff, Council, on motion of Council Member Pinkerton, Reid second, denied the request. In its decision, Council indicated its concern that the proposal was premature and needed further study and explanation.

Council further recommended that the proponents of this Advisory Measure (The Citizens for Lodi Creative Arts Center) work with Community Development Director James Schroeder in ascertaining the various requirements that would need to be met in developing this proposal.

COMPLAINT RECEIVED FROM CITIZENS RE PARKING OF LARGE TRUCK AND TRAILER RIGS IN RESIDENTIAL AREAS

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Following receipt of a complaint by Mrs. Evelyn Thomas, 2362 Gateway Circle, Lodi, of large truck and trailer rigs parking in residential areas, Staff was directed to bring back a draft ordinance prohibiting such action for Council review.

REPORTS OF THE CITY MANAGER

REGULAR CALENDAR

PARKING IN VICINITY OF PACIFIC COAST PRODUCERS PLANT

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City Manager Peterson addressed the Council advising that, at the regular adjourned City Council meeting of July 24, 1985, the City council held a public hearing to consider the designation of one-way streets in the residential area adjacent to the Pacific Coast Producers cannery on South Stockton Street. In the course of that hearing, the Council received testimony not only in opposition to the designation of one-way streets, but a request for some type of parking regulation that would best serve the interest of the residents of the area. Street parking in this area by cannery workers not only causes considerable inconvenience to the residents of this neighborhood, but also severely affects the normal traffic flow there because of the narrow street widths. Council Member Pinkerton suggested that the area be designated for permit parking only, with permits issued only to residents of the area in accordance with a Council-adopted program. Staff has met on several occasions since that Council meeting in an attempt to bring to the City Council a plan of action to resolve what has been an on-going problem for many years.

City Manager Peterson recommended that the City Council designate that area for permit parking. Violators could either be cited and fined, or towed away. California Vehicle Code Section 22651 provides that violators may be towed away provided such procedure is adopted by ordinance. The City of Lodi has no such provision in place at this time.

It was suggested that enforcement would perhaps best be accomplished on a complaint basis and limited patrolling by police officers and/or parking enforcement assistants.

However, the code is quite specific in this area. It provides:

"The Council may designate by ordinance certain residential streets or alleys or any portion thereof as a preferential parking zone for the benefit of residents adjacent thereto in which zone vehicles displaying a permit or other authorized indicia may be exempt from parking prohibitions or restrictions otherwise posted, marked or noticed".

City Manager Peterson suggested that it would seem prudent that prior to the adoption of an ordinance to establish permit parking, that a public hearing be held on the subject. It was also suggested that the proposed preferential parking policy which was developed by the Public Works Director several years ago be reviewed.

Mr. Peterson expressed his concern regarding the amount of time required for this process and the fact that it will take us well beyond this years canning season but indicated that he feels the citizens will be appreciative of the fact that the problem does not lend itself to a quick and easy solution but by taking this more deliberate route not only will provide the Council with maximum public input, but may save us from having to later undo or redo an action which would only confuse all involved.

Following discussion, with questions being directed to Staff, Council, on motion of Council Member Pinkerton, Snider second, directed that this matter be placed on the agenda for the Informal Informational Meeting of August 27, 1985 and set the matter for Public Hearing for the Regular Council Meeting of September 4, 1985.

DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

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Following introduction of the matter Council, on motion of Council Member Snider, Olson second, designated Mayor Hinchman as the Voting Delegate and Mayor Pro Tempore Reid as the Voting Alternate for the League of California Cities Annual Conference to be held in San Francisco October 6 - 9, 1985.

LIABILITY INSURANCE COVERAGE

ec.211 (a)

Assistant City Manager Glenn reminded the Council that in February, the City of Lodi was only able to obtain \$10,000,000 of liability insurance of the \$20,000,000 we had carried previously. The City's Agent of Record has been trying since that time to obtain the additional layer of insurance and has now received a quotation for an additional \$10,000,000 of insurance.

On motion of Council Member Snider, Olson second, Council authorized the purchase of an additional layer of \$10,000,000 liability insurance at an annual premium of \$26,256, which will be prorated to February 2, 1986 which coincides with the renewal date of the basic policy.

REQUEST FROM NIMLO FOR CITY'S PARTICIPATION IN ACTION CONCERNING THE FAIR LABOR STANDARDS ACT

Following introduction of the matter by Staff, Council, on motion of Council Member Olson, Reid second, authorized the expenditure of \$1,000 from the Contingency Fund for the City of Lodi to join in a litigation trust fund to be used for expenses, legal fees, experts etc to support litigation in attacking the provisions of the Fair Labor Standards Act (FLSA) as interpreted in Garcia v. San Antonio because of its burdensome, costly and unconstitutional impact on municipalities.

NOVEMBER 5, 1985 SPECIAL ELECTION UPDATE



City Clerk Reimche presented a proposed agreement with San Joaquin County for the conduct of the November 5, 1985 Special Election. This agreement provides that if the Lodi Unified School District and the Delta Community College District do not have contests for this elections the County will charge the City of Lodi \$1.60 per registered voter for conducting the election. According to the latest report submitted to the Secretary of State there are 20,588 registered voters in the City of Lodi, therefore, the estimated cost to the City of Lodi would be approximately \$33,000 for this election.

City Clerk Reimche pointed out that the 1984 General Municipal Election which was conducted by the City Clerk cost approximately \$14,300.

The agreement further provides that if either the Lodi Unified School District or the Delta Community College District have contests, the County will charge the City of Lodi no more than \$.85 per registered voter.

Discussion followed with questions regarding the matter being directed to the City Clerk.

RES.NO.85-103 On motion of Council Member Pinkerton, Olson second, Council adopted Resolution No. 85-103 directing the City Clerk to conduct the November 5, 1985 Special Election in the City of Lodi if the Lodi Unified School District and the Delta School District do not have contests.

> Further, Council deferred action on the proposed agreement until the close of nominations to determine whether or not there will be a need for consolidation.

COUNCIL ADJOURNS TO CLOSED SESSION

> The Council adjourned to a Closed Session at approximately 8:50 pm to discuss personnel matter and reconvened at approximately 9:35 pm. The City Clerk was excused from attending the Closed Session.

MANAGEMENT SALARIES

RES.NO.85-106

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Following introduction of the matter, Council, on motion of

Mayor Pro Tempore Reid, Olson second, adopted Resolution No. 85-106 establishing amended monthly salary ranges for the various Department Heads effective July 1, 1985 and December 30, 1985 as follows: These ranges include salary and pension.

	7/1/85	12/30/85
Assistant City Manager	\$3471-4243	\$3558-4348
Community Development Director	\$3590-4388	\$3680-4498
Finance Director	\$3437-4201	\$3524-4307
Fire Chief	\$3747-4579	\$3840-4694
Police Chief	\$3958-4838	\$4057-4959
Parks and Recreation Director	\$3135-3831	\$3214-3928
Public Works Director	\$3968-4850	\$4067-4971
Utility Director	\$3968-4850	\$4067-4971
Administrative Assistant	\$2223-2717	\$2279-2785
Community Relations Assistant	\$2069-2529	\$2120-2592

APPOINTEES SALARIES

RES.NO.85-107

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Further, Council, on motion of Council Member Olson, Reid second, adopted Resolution No. 85-107 setting he monthly salary for its appointees effective July 1, 1985 and December 30, 1985 as follows: These amounts include salary, pension, deferred compensation, and applicable car allowance.

	7/1/85	12/30/85
City Manager	\$5,155	Not established by Council at this time
City Clerk	\$2,842	\$2,913
City Attorney	\$4,834	\$4,955

ADJOURNMENT

There being no further business to come before the Council, Mayor Hinchman adjourned the meeting at approximately 10:00 pm.

ATTEST:

Auce M. Blimche
Alice M. REIMCHE
City Clerk